

REMARKS

This amendment is filed in response to the Office Action dated February 11, 2004. Claims 1, 3-7, 10-14 and 18-32 were pending. In the Office Action of February 11, 2004, the Examiner rejected claims 1, 3-5, 7, 18-21, 23 and 25-31 under 35 U.S.C. § 103(a) as being unpatentable over Liao et al., U.S. Patent No. 6,292,833 ("Liao") in view of Shefi, U.S. Patent No. 6,445,794; rejected claims 6, 11-12, 14, 22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi in view of Zicker et al., U.S. Patent 5,862,475 ("Zicker"); rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi; and rejected claim 32 under 35 U.S.C. § 103(a) over Liao and Shefi in view of Galvin, U.S. Patent No. 6,134,315.

By this amendment, claims 4, 25, 28 and 31 are amended to more particularly and distinctly claim the invention. In particular, claims 4 and 25 are amended to include limitations previously in claims 13 and 32, respectively. Claims 13 and 32 are cancelled. Support for the amendment of the claims is found throughout the claims, specification and drawings. Applicants thank the Examiner for the telephonic interview with Applicants' attorney, Reginald J. Hill, on May 11, 2004, in which claims 13 and 32 were favorably discussed, but no agreement reached. The Examiner's rejections are traversed below in light of the amended claims.

Claims 1, 3-5, 7, 18-21, 23 and 25-31 Are Patentable Over Liao And Shefi

The Examiner rejected claims 1, 3-5, 7, 18-21, 23 and 25-31 under 35 U.S.C. 103(a) as being unpatentable over Liao in view of Shefi. The Applicants respectfully traverse the rejection with respect to claims 1, 3-5, 7, 18-21, 23 and 25-31 on the basis that the claims are not obvious because there is no motivation to combine Shefi and Liao.

For an obviousness rejection to be proper there must be a motivation to modify a reference or combine reference teachings. MPEP § 2143 (citing *In re Vaeck*). The teaching or suggestion to make the claimed combination must be found in the prior art, not in applicant's disclosure. *Id.*

There is no motivation to combine Liao and Shefi. Shefi avoids the consequences of using insecure links by encrypting. Therefore, one of ordinary skill in the art would not combine Liao with Shefi. Liao does not even recognize the problem or solution of concern in the present invention, namely, allowing a user to prevent insecure communications when secure

communications are desired. Therefore, independent claims 1, 4, 18 and 25, which each require an alert of a status of a route, call path, or link to a person, are not obvious in view of Shefi and Liao. The dependent claims 3, 5-7, 10-12, 14, 19-24 and 26-31 depend ultimately from one of the independent claims, and are patentable for at least the reasons given above for the independent claims.

Amended Claims 4-7, 10-12, 14, 25-31 Are Patentable Over Liao and Shefi

In addition to the reasons given above, claims 4-7, 10-12, 14, 25-31 are patentable over Liao and Shefi, for the additional reason that these claims, as amended, include novel limitations not found in Liao, Shefi, or Galvin, separately or together. As discussed with the Examiner during the telephonic interview of May 11, 2004, Liao and Shefi lack "issuing the alert when a previously secure route becomes insecure." This limitation was previously in claim 13, which is canceled in the present amendment, and now is included in amended claim 4. Neither Liao nor Shefi, taken separately or in combination, discloses, teaches or suggests issuing an alert when a previously secure route becomes insecure. In addition, as discussed with the Examiner during the telephonic interview of May 11, 2004, Liao, Shefi, and Galvin lack the step of "establishing a new route between said calling party and said called party" in response to: (1) determining that at least a portion of the route includes a link that does not send or receive private or encrypted information or that uses facilities not absolutely controlled by a network provider; and (2) determining no secure connection may be establish between the calling party and the called party. This limitation was previously in claim 32, which is canceled in the present amendment, and now is included in amended claim 25. Neither Liao, Shefi nor Galvin, taken separately or in combination, discloses, teaches or suggests such a limitation. Therefore, claims 4 and 25 are patentable. And, the claims that depend from claims 4 and 25 are also patentable.

Claims 6, 10-12, 14, 22 and 24 Are Patentable Over Liao, Shefi And Zicker

The Examiner rejected claims 6, 10-12, 14, 22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Liao and Shefi in view of Zicker. The Examiner uses Liao and Shefi in this rejection in the same manner as used with respect to the claims discussed above. The Examiner notes that Liao and Shefi fail to teach an alert in the system including a distinctive ringing at the recipient's station, an audible voice message, an audible tone, providing a periodic alert, a query

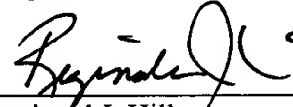
screen on a personal computer, warning signals throughout the call and special parameters for a particular subscriber. According to the Examiner, Zicker teaches the alerts that are missing in Liao. The Examiner concludes that the claims are obvious in view of the combination of Zicker, Shefi and Liao.

The Applicants disagree with the Examiner's conclusion. There is no motivation to combine the references, as discussed above with respect to Shefi and Liao.

CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



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